IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.2562 OF 2005.

IN

FIRST APPEAL ST.NO.41582 OF 2000.

Smt.Rakhi Mohanand Hunnare
& anr. : Appellants.

versus

Shri Madhukar Yeshwant Ukarde
& ors. : Respondents.

Mr.A.V.Joshi for the appellants.
Ms.Angeline Rodrigues i/by Mohan Pungaliya for Respondent Nos.1 & 2.

CORAM : D.G.DESHPANDE,J.

DATED : 26th August 2005.

ORAL ORDER

1. Heard counsel for the appellants and respondent Nos.1 and 2. The counsel for the appellants states that Respondent No.3 was served

by courier and respondent No.4 is dead. Even it is mentioned in the memo of appeal. The suit of the appellant for partition was dismissed for non-joinder of necessary parties i.e. respondent No.4. Application is opposed by the counsel for the respondents. Looking to the facts, the explanation given is accepted. Delay is of 279 days. It is condoned subject to payment of costs of Rs.1,000/-. Costs to be paid within two weeks from today. Payment of costs is a condition precedent. Put up the appeal thereafter for admission.

[D.G.DESHPANDE,J]